

No. 236-4Lab-76/2108. —In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workman and the management of M/s Haryana State Electricity Board, Chandigarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT,  
HARYANA, ROHTAK

Reference No. 65 of 1971

between

SHRI ATTAR SINGH AND THE MANAGEMENT OF M/S HARYANA STATE ELECTRICITY  
BOARD, CHANDIGARH

AWARD

By order No. ID/15923-27, dated 26th May, 1971 of the Governor of Haryana, the following dispute between the management of M/s Haryana State Electricity Board, Chandigarh and its workman Shri Attar Singh was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947.

“Whether the termination of services of Shri Attar Singh was justified and in order? If not, to what relief, is he entitled?”

The parties appeared in this court in response to the notices of reference sent to them and filed their pleadings.

The workman alleged,—*vide* statement of claim, dated 1st July, 1971 filed by him that his services had been terminated with effect from 22nd August, 1970 by the management, *vide* order, dated 11th August, 1970 illegally and unjustifiably without any enquiry or service of charge-sheet on him and that he was entitled to be reinstated.

The management pleaded in reply that the workman had been employed as a work-charged hand only for the period ending 21st August, 1970 and that he had belaboured and man-handled Shri K. K. Kundra their S. D. O. in May, 1970, at Panipat and it was as such considered conducive to maintain discipline to terminate his services. They finally gave out that the services of the workman had been terminated in good faith and in bonafied discharge of their functions to maintain discipline and that he had been gainfully employed after the date of the termination of his services.

The workman was never asked to file his rejoinder to the pleas of the management by the then Presiding Officer of the Labour Court and a issue as per term of reference was framed on pleas of the parties.

The only question requiring determination under the circumstances is as to how far the pleas of the management stated above are correct and if the action of the management in terminating the services of the workman is bonafied or malafied.

Taking the first plea there is not an iota of evidence on record to show that the workman was work-charged for a limited period ending 31st August, 1970, so much so, the only witness Shri K. K. Kundra, Assistant Engineer, Class I did not state a word in support of this plea. The workman on the other hand, deposed as his own witness that he joined the service of the respondent as a Foreman on 26th August, 1968 and continued to work as such till 22nd August, 1970 when his services had been abruptly terminated. It is pertinent to note that no suggestion was made to him by the management in cross-examination that he was employed only as a work-charged for a temporary period. All these circumstances lead to the only irresistible conclusion that the workman was not employed as work-charged for a temporary period and that he was a permanent employee of the respondent. Coming now to the 2nd plea of the management in respect of the man-handling of Shri K. K. Kundra, S. D. O. by the workman, in collusion and at the instance of Shri P. C. Sharma, XEN, the management remained contended with examining Shri K. K. Kundra, Assistant Engineer alone as M. W. 1. He deposed that he had purchased a Pul over for Mrs. P. C. Sharma for Rs. 40 from Batala, on a request made by Shri P. C. Sharma and the later declined to pay its price and on a demand made to him for the payment, he asked the workman Shri Attar Singh to be labour and manhandle him. He added that the later on the night of 5th May, 1970 committed criminal house tress pass in the company of 3 or 4 other persons and slapped him and caused injury to Man Bahadur a T/Mate present there. He continued to say that he saw Shri P. C. Sharma at some distance with his own eyes and that the miscreants left his house after belabouring him and Man Bahadur and that he lodged a report with the police which took no action.

The statement of Shri Kundra has to be stated only to be rejected as utterly false and a tissue of lie, as would appear from the following circumstances.

- (a) Neither Man Bahadur nor Shri Chauhan alleged to have seen the offenders running or belabouring Shri Kundra were examined, leading to an inference that if examined they would not have supported the statement of Shri Kundra.

- (b) No evidence was led in respect of registration of case in the police leading to an inference that the story as put forth now if this court as wholly false and fabricated.
- (c) No evidence was led to show that a complaint was made to the immediate officer or the Chief Engineer by Shri Kundra in respect of such a serious incident arranged at the instance of a responsible officer of the status of XEN of the Department namely Shri P. C. Sharma. This again leads to the conclusion already arrived at by me. It can not be believed that Shri Kundra would not have reported the matter to the police or to his departmental officers or the management would not have examined Shri Man Bahadur and Shri Chauhan, if the occurrence as alleged had taken place.

There is in fact no corroboration on record of the solitary statement of Shri Kundra which in its absence can not be relied upon particularly when it was rebutted by Shri Attar Singh concerned workman *vide* a broad denial of the truth of the incident relied on by the management. Shri Attar Singh deposed that on a objection raised by him to do private work of Shri Kundra the later got his services terminated. I believe this part of the statement as correct and have no hesitation in holding that the action of the management in terminating the services of the workman is unjustified and illegal amounting to an unfair labour practice and victimisation of the workman for extraneous consideration. I, therefore, hold that the workman is entitled to be reinstated with effect from 22nd August, 1970 with continuity of service and full back wages and decide the issue accordingly.

I answer the reference accordingly and return the award with no order as to costs.

MOHAN LAL JAIN,

Dated the 19th December, 1975.

Presiding Officer,

Labour Court, Haryana, Rohtak.

The 22nd January, 1976

No. 363-4Lab-76/2322. In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. Laxmi Rattan Engineering Works Limited, Industrial Area No. I, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 71 of 1975

*between*

THE WORKMAN AND THE MANAGEMENT OF M/S LAXMI RATTAN ENGINEERING  
WORKS LIMITED, INDUSTRIAL AREA No. I, FARIDABAD

AWARD

By order No ID/FD/75/17260, dated 18th March, 1975 the Governor of Haryana, referred the following dispute between the management of M/s Laxmi Rattan Engineering Works Limited, Industrial Area No. I, Faridabad and its workmen to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the lay off of Sarvshri Lal Chand, Bhayia Ram, Parmeshwar and Devi Ram is justified and in order? If not, to what relief they are entitled?

The parties put in their appearance in this Tribunal in response to the notice of reference sent to them and filed their pleadings.

Whereas the workmen Sarvshri Lal Chand, Bhayia Ram, Parmeshwar and Devi Ram alleged,—*vide* joint claim statement filed by them that their lay off ordered by the management with effect from 31st October, 1974 was illegal and amounted to a harassment to them, the management filed a written statement and admitted that the management had ordered a lay off of 500 workmen including the four workmen, parties to this reference. They however raised a preliminary objection that the matter referred to this Tribunal did not amount to an industrial dispute and as such the reference was bad in law.

The four workmen, parties to this reference, controverted the plea of the management that the reference made to this Court relating to the dispute stated therein was bad in law.

The following preliminary issue was thus framed on pleas of the parties,—*vide* my order dated 6th October, 1975 after the statement of Shri Ram Murti Sharma, authorised representative for the workmen had been recorded on facts:—

"Whether the disputes referred to this Tribunal are industrial dispute?"

The reference was thus fixed for 26th December, 1975 for hearing of arguments on the issue framed. Whereas Shri R. C. Sharma, authorised representative for the management put in his appearance on behalf of the later, the workmen and his authorised representative absented themselves on 26th December, 1975. I heard Shri R. C. Sharma on the question of the legality of the reference and the pleas raised by him in the written statement that the dispute referred to this Tribunal were not industrial disputes within the meaning of that term as used in section 2 Clause K of the Industrial Disputes Act, hereinafter referred to as the Act.

The term industrial dispute has been defined in the Act as under :—

**Section 2-K** "Industrial dispute" means any dispute or difference between employers and employees or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, or any person ;"

Shri Ram Murti Sharma had admitted that there were in all about 800 workmen in the employment of the management at the time of raising of the demand by Sarvshri Lal Chand, Bhaiya Ram, Parmeshwar and Devi Ram on them leading to this reference and that this demand was not espoused by any other workman. In view of the definition of an industrial dispute, as reproduced above, it would appear that the demand raised by only four workmen out of a number of 800 workmen in the service of the respondents did not constitute an industrial dispute and remained only as an individual dispute as defined under section 2-A of the Act as under.

**Section 2-A** "Where any employer discharges, dismisses, retrenches or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute not withstanding that no other workman nor any union of workmen is a party to the dispute."

As the demand relating to the illegality of the lay off was not covered either by the terms "discharge or dismiss or retrenchment or termination of the services of a workman", it did not fall under section 2-A of the Act either. The irresistible conclusion under the circumstances is that the demand leading to the reference are neither covered by definition of the industrial dispute as given under section 2-K of the Act or its definition as given under section 2-A of the Act. The result is that the matter referred to this Tribunal for adjudication can by no stretch of imagination be said to an industrial dispute. I, therefore, decide the only issue framed in the case against the workmen, Lal Chand, etc., parties to this case.

In view of my finding on this issue it is obvious that the reference made to this Court is bad in law and none of the workmen Lal Chand, Bhaiya Ram, Parmeshwar and Devi Ram is entitled to any relief. I thus answer the reference while returning any award in terms of my findings made above.

MOHAN LAL JAIN,

Dated the 7th January, 1976.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 35, dated the 7th January, 1976.

Forwarded (four copies to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Dated the 7th January, 1976.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 366-4Lab-76/2326.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management M/s Dalmia Dadri Cement Ltd., Charkhi Dadri.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL  
HARYANA, FARIDABAD

Reference No. 63 of 1968

between

THE WORKMEN AND THE MANAGEMENT OF M/S DALMIA DADRI CEMENT LTD.,  
CHARKHI DADRI  
AWARD

By order No. ID NNL/1-68/29331, dated 20th November, 1968, the Governor of Haryana, referred the following dispute between the management of M/s Dalmia Dadri Cement Ltd., Charkhi Dadri and its workmen to this Tribunal in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

- (1) Whether the management should revise the present designations and grades of the workers (list enclosed)? If so, what should be the proper designations and their grades and from which date?
- (2) Whether the workers (list enclosed) should be made permanent? If so, from which date and with what details?

The parties appeared in this Tribunal in response to the notice of reference sent to them and filed their pleadings giving rise to the following preliminary issues:

- (1) Whether the claim for permanency of the workmen as detailed in para No. 2 of the preliminary objection of the written statement has already been rejected? If so, what is its effect?
- (2) Whether the claim of the workmen detailed in para No. 3 of the preliminary objection of the written statement is already covered by the award in I.D. Nos. 95 of 1967, 88 of 1966, 45 of 1964 and 98 of 1967?
- (3) Whether no industrial dispute can be raised for the promotion of any workman to higher grade because promotion is a management function and no workman can claim promotion as of right?
- (4) Whether the claim for permanency can be raised by reason of settlement, dated 9th September, 1963 and 10th September, 1963?

No arguments were addressed to me by the authorised representative for the management on the preliminary issues stated above. The management being no longer interested in pressing the pleas covered by these issues, the same are as such hereby decided against them.

Coming now to the adjudication of actual dispute as referred to this Tribunal, dispute No. 2 was adjudicated, -- vide an interim award, dated 28th April 1972 of Shri O. P. Sharma my learned predecessor, the then Presiding Officer, Industrial Tribunal, Haryana, with the finding that the workmen concerned had been made permanent.

Coming to dispute No. 1, the matter admittedly has confounded the case of Shri Rajinder Nath and Hari Ram Balotia and the demand relating to other workmen mentioned in the list annexure A to the reference have either been satisfied or have been withdrawn according to the parties.

Taking the case of Shri Hari Ram Balotia his authorised representative referred me to his statement made by him as W.W. 5 that since 1950 he had been working as a time keeper and that whereas he had been fixed in grade, I, the other time keeper had been placed in grade II, even though there was no difference in the nature of their duties and there had never been any complaint against him. This is all the evidence led by the workman in support of his demand relating to placement in higher grade. He admitted that he was educated upto 8th standard and he did not possess any certificate even in respect of this qualification. He also admitted that the assessor appointed by the management to assess his work had fixed him in grade I under the 1st Wage Board Recommendation.

As against this Shri Pat Ram, Establishment Incharge of the management, deposed that an assessor appointed for assessing the work of Shri Hari Ram had placed him, in grade I, according to the educational qualification held by him. He added that Sarvshri Mangat Rai and Kulwant Singh were Matriculates and Shri Dalip Chand had passed his Intermediate examination and as such they had been placed by the Assessor in Grade II and Shri Hari Ram being educated only up to the 4th standard had been placed in grade I.

In the instant case relating to Hari Ram, it is obvious from his own statement that his educational qualifications are far inferior to that of his co-workmen and his work on assessment was found only to the extent to entitle him placement in grade I only. No infirmity can thus be found with the order of the management in placing him in Grade I only. There is no evidence on record to justify his placement in the higher grade and his educational qualification being below Middle standard well disqualify him for the promotion. I hold accordingly.

As regards Shri Rajinder Nath, he made a demand for his placement in Moulder Grade A instead of Moulder Grade B in which he had actually been fitted. He appearing as W.W. 2 deposed that he had been discharging the duties of Moulder Grade I since the death of Shri Ragbar Charan Head Moulder who died 5 years ago and that he was the oldest Moulder in the factory. He added that there had been never any complaint against him and that there were in all there Moulders in the factory, one in Grade A and the remaining two in Grade B. He denied the suggestion that the post of Moulder Grade A held by Shri Ragbar Charan had been abolished.

Shri Pat Ram appearing for the management could not deny the correctness of the statement of Shri Rajinder Singh that he had been actually working for more than 5 years as Moulder Grade A since the death of Shri Ragbar Charan. I, therefore in the absence of such denial do not see any reason to disbelieve Shri Rajinder Singh that he had been actually working for the last five years as Head Moulder Grade A and that he was now seniormost Moulder. There is otherwise no allegation against him relating to his inefficiency and dishonesty. I, under the circumstances see no reason to deprive Shri Rajinder Singh of placement and fitment in Grade I particularly when he is the seniormost and a vacancy had arisen in that Grade. I accordingly hold that he is entitled to fitment into Moulder Grade A as demanded by him.

I thus answer the reference while returning the award in terms of my findings made above

MOHAN LAL JAIN.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad

Dated 7th January, 1976.

No. 36, dated 7th January, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947

MOHAN LAL JAIN.

Presiding Officer,  
Industrial Tribunal, Haryana  
Faridabad

Dated 7th January, 1976

The 23rd January, 1976

No. 504-4Lab-76-2490.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workman and the management of M/s Chopra Motors (P) Ltd., Murthal (Sonapat).

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT  
HARYANA, ROHTAK

Reference No. 3 of 1975

between

SHRI RAM CHHABILA SINGH AND THE MANAGEMENT OF M/S CHOPRA MOTORS (P) LTD.,  
MURTHAL (SONEPAT)

AWARD

By order No. ID RK/285-A-74 465-69, dated 1st January, 1975 of the Governor of Haryana, the following dispute between the management of M/s Chopra Motors (P) Ltd., Murthal (Sonapat) and its workman Shri Ram Chhabila Singh was referred for adjudication to this court, in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 :

"Whether the termination of services of Shri Ram Chhabila Singh was justified and in order? If not, to what relief is he entitled?"

The parties appeared in this court in response to the notices of reference sent to them and filed their pleadings giving rise to the following preliminary issue formed by me on 20th November, 1975

Whether the respondent concern is an industry within the meaning of that term as mentioned in section 2-J of the Industrial Disputes Act?

The case was fixed for 19th December, 1975 when Shri Raghbir Singh authorised representative for the workman made a statement closing his case on the issue and declining to adduce any evidence. Shri Surinder Kaushal also closed his case and made a statement that he did not propose to adduce any evidence in rebuttal. It would thus appear that the burden of the issue framed by me on 20th November, 1975 on an objection taken by the respondents that they were not an industry within the meaning of that term as mentioned in section 2-J of the Industrial Disputes Act, remained undischarged. Even otherwise, it has already been held by me in some other reference relating to the respondents, that they are not an industry.

In absence of any evidence for the management on the preliminary issue, I decide the same against them and consequently hold that the reference made to this court is bad in law and the workman is not entitled to any relief. The award is made accordingly. There shall be no order as to costs.

MOHAN LAL JAIN,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

Dated 5th January, 1976

No. 62, dated 9th January, 1976.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

P. P. CAPRIHAN,  
Commissioner and Secy.

**PUBLIC WORKS DEPARTMENT  
BUILDINGS AND ROADS BRANCH  
Circle Ambala**

The 20th June, 1975

No. SE/Ambala/Circle/PWD/B&R/Branch/970.- Whereas it appears to the Governor of Haryana that land is likely to be needed by the Government, at public expense, for a public purpose, namely constructing a link road from G.T. road to village Landa Landi via Dan Majra in Kurukshetra District, it is hereby notified that the land described in the specification below is required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana, is pleased to authorise the officers, for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested in the above land, who has any objection to the acquisition thereof, may within thirty days after the date on which public notice of the substance of this notification is given in the locality, file an objection in writing before the Land Acquisition Collector, Public Works Department, Buildings and Roads Branch, Ambala Cantt.

**SPECIFICATION**

District	Tehsil	Locality/ Village	Hadbast No	Area in acres	Khasra No.	Remarks
Kurukshetra	Thanesar	Landi	229	0.11	45	
6/3, 1, 2, 15/12						

(Sd.) . . . .

Superintending Engineer,  
Ambala Circle.